

No.

200800311



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Busch Agricultural Resources, LLC

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TRUE THEREOF IS FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BARLEY

'Celebration'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this ninth day of December, in the year two thousand and eight.

Attest:

[Signature]

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

[Signature]

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.


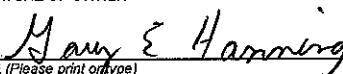
Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Busch Agricultural Resources, LLC		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME 6B01-2218	3. VARIETY NAME Celebration
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 3515 Richards Lake Road Ft. Collins, Colorado 80524 USA		5. TELEPHONE (include area code) (970) 221-5622	FOR OFFICIAL USE ONLY PVPO NUMBER #200800311 FILING DATE July 10, 2008
		6. FAX (include area code) (970) 472-2334	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation	8. IF INCORPORATED, GIVE STATE OF INCORPORATION Delaware	9. DATE OF INCORPORATION 01-01-81	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Dr. Blake Cooper Busch Agricultural Resources, LLC 3515 Richards Lake Road Ft. Collins, Colorado 80524			F E E S R E C E I V E D FILING AND EXAMINATION FEES: \$4382.00 DATE 7/10/2008 CERTIFICATION FEE: \$768.00 DATE 8/15/08
11. TELEPHONE (include area code) (970) 221-5622	12. FAX (include area code) (970) 472-2334	13. E-MAIL blake.cooper@anheuser-busch.com	
14. CROP KIND (Common Name) Spring Barley	16. FAMILY NAME (Botanical) Graminea	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP HORDEUM VULGARE L.	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23) <input type="checkbox"/> UNDECIDED 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER 		SIGNATURE OF OWNER 	
NAME (Please print or type) Dennis Blake Cooper		NAME (Please print or type) Gary Hanning	
CAPACITY OR TITLE Senior Manager, Barley Research	DATE	CAPACITY OR TITLE Director of Research	DATE 7/8/08

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. **Retain one copy for your files.** All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

Plant Variety Protection Office
Telephone: (301) 504-5518 **FAX:** (301) 504-5291
General E-mail: PVPOmail@usda.gov
Homepage: <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) evidence of uniformity and stability; and (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

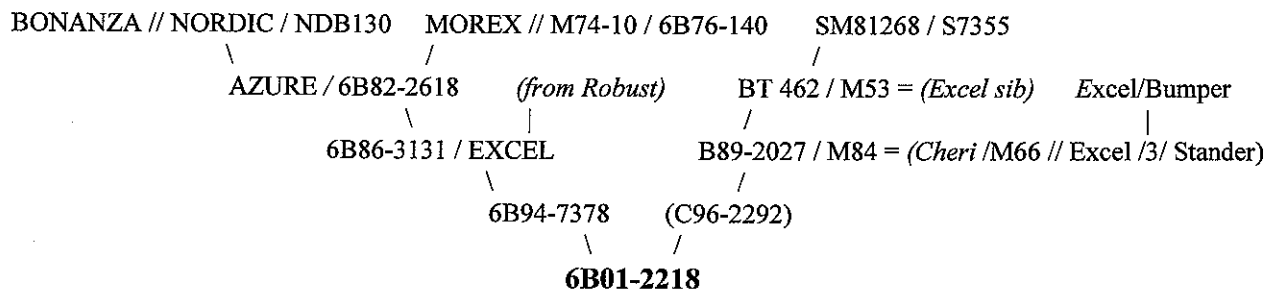
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PEDIGREE: B7378 // B2027 / M84

Date of Cross: 1998

HISTORY:

BREEDING HISTORY: The line 6B01-2218 was derived from the three-way cross (C98-2052) made in fall of 1998 in Ft. Collins, CO between 6B94-7378 as female and the F1 hybrid (C96-2292) used as male. The female parent (6B94-7378) is a BARI breeding line with a pedigree of 6B86-3131 / Excel. The male parent (C96-2292) is from a cross between the released line B2027 and M84 from the University of Minnesota. *Based on the extended pedigree of 6B01-2218, which is shown below, it is expected that 6B01-2218 has inherited ~ 37.5% of its genes by descent from the variety Excel.*



The F₁ generation of 6B01-2218 was increased in the greenhouse in the fall/winter of 1998/99 and subsequently planted as an F₂ population in Moorhead, MN in 1999. The F₃ generation was grown as a single seed descent (SSD cycle of ~ 98 seed) in the greenhouse in the fall of 1999 and returned to Langdon, ND in 2000 as ninety-five (95) individual F₄ rows. Row #4660 was 1 of 7 such rows selected from this cross on the basis of visual appearance and whole grain NIR scores for protein, predicted extract, blight, etc. and increased as an F₅ plot (AZ 0343) in a counter-season nursery in Yuma, AZ during the fall/winter of 2000/01. The designation 6B01-2218 was assigned to this experimental line and subsequently tested in replicated yield trials, mostly in North Dakota from 2001–2005. 6B01-2218 was entered in regional trials (MVT and WRSBN) in 2003- 2005. In 2004, ~ 250 heads were selected from a pure seed plot at the F_{5,10} stage (03FC-PS source) and ~ 185 were planted in Ft. Collins as head-rows in 2005, with 64 being selected and harvested on visual uniformity. Sixty of these were grown as F_{11,12} progeny plots at Ft. Collins in 2006. Eighteen plots were selected on visual uniformity and planted separately as strips in Ft Collins in the summer of 2007. Thirteen of the 18 strips were selected, uniform and true to type. The uniform plots were bulked together, at harvest, to create breeders seed with a 1.0+ acre increase in Arizona during the fall/winter of 2007/2008. 6B01-2218 has been uniform and stable from F₉ through F₁₂. Less than .05% of the plants were rogued from fields in 2008. Approximately 95% of the rogued plants were 2 to 4 centimeters taller than 6B01-2218. Less than .05% total variant plants may be encountered in subsequent generations. This will provide adequate seed for 20+ acres of Foundation in 2008 and drive subsequent plant scale evaluations as early as the 2009 and 2010 crop years. Certified seed should be produced in 2010.

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From the first year of yield testing through the release of the variety, continual assessments of numerous agronomic and malting traits are carried out. These traits are assessed on samples grown at several locations per year and statistically compared to the most widely grown commercial varieties, plus selected advanced experimental lines. The varieties Legacy and Robust were used throughout the testing of 6B01-2218. The following criteria are assessed at each stage of yield trial testing:

Agronomic traits:

Yield
Straw strength (lodging)
Height
Maturity
Test weight
Resistance to scald
Resistance to net blotch
Resistance to spot blotch

Malting traits:

Kernel plumpness
Extract Level
Total protein
Soluble protein
Alpha amylase
Diastatic power
Wort viscosity
Turbidity

Our most important agronomic traits are yield, straw strength and disease resistance. Our most important malting traits are extract level, protein and enzyme levels (alpha amylase and diastatic power).

EXHIBIT B

STATEMENT OF DISTINCTNESS

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- **6B01-2218** is most similar to the spring barley variety "Legacy"; however it can be distinguished by the following morphological characteristics:
 - **6B01-2218** has a bowl shaped collar that forms a V-shape in the front.
Legacy has a saucer shaped collar.
 - **6B01-2218** base of the first segment is a margin flange with no hairs on the margin.
Legacy base of the first segment is a margin flange with hairs on the margin.
 - **6B01-2218** has short rachilla hairs
Legacy has long rachilla hairs.
 - **6B01-2218** has a mid-lax head.
Legacy has a lax head.
 - **6B01-2218** glumes are sparsely covered with short hairs.
Legacy has long glume hairs confined to a band.
 - **6B01-2218** rachis shape is plain with short hairs on the margin.
Legacy rachis shape is plain with long hairs on the margin.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

OBJECTIVE DESCRIPTION OF VARIETY
Barley (*Hordeum vulgare* L.)

NAME OF APPLICANT (S) Busch Agricultural Resources, LLC	TEMPORARY OR EXPERIMENTAL DESIGNATION 6B01-2218	VARIETY NAME Celebration
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) 3515 Richards Lake Road Ft. Collins, Colorado 80524 USA		FOR OFFICIAL USE ONLY PVPO NUMBER #200800311

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (i.e. or) when the number is either 99 or less or 9 or less.

1. GROWTH HABIT:

1 = Spring 2 = Facultative Winter 3 = Winter Early Growth: 1 = Prostrate 2 = Semi-Prostrate 3 = Erect

2. MATURITY: (50% Flowering)

1 = Early (California Mariout) 2 = Mid-Season (Betzes) 3 = Late (Frontier)

No. Days Earlier Than LEGACY *

Same as Check _____ *

No. of Days Later Than _____ *

3. PLANT: (From Soil Level to Top of Head)

1 = Semi-Dwarf 2 = Short (California Mariout) 3 = Medium Tall (Betzes) 4 = Tall (Conquest)

cm Shorter Than LEGACY *

Same as Check _____ *

cm Taller Than _____ *

4. STEM:

Exsertion (Flag to Spike at Maturity): 1 = (0 - 3 cm) 2 = (3 - 10 cm) 3 = (10 - 15 cm)

Anthocyanin: 1 = Absent 2 = Present

No. of Nodes (Originating from Node Above Ground)

Collar Shape: 1 = Closed 2 = V-Shaped 3 = Open 4 = Modified Closed or Open 5 = Cupped collar that forms a V-shape

Shape of Neck: 1 = Straight 2 = Snaky 3 = Other (Specify) _____

* A commercial variety grown in the same trial.

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5. LEAF:

2 Basal Leaf Sheath (Seedling): 1 = Glabrous 2 = Pubescent
 2 Position of Flag Leaf (At Boot Stage): 1 = Drooping 2 = Upright
 2 Waxiness: 1 = Absent (Glossy) 2 = Slightly Waxy 3 = Waxy
 2 0 mm Width (First Leaf Below Flag Leaf)
 2 4 cm Length (First Leaf Below Flag Leaf)
 1 Anthocyanin in Leaf Sheath: 1 = Absent 2 = Present

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6. HEAD:

2 Type: 1 = Two-Rowed 2 = Six-Rowed
 4 Density: 1 = Lax 2 = Erect (Not Dense) 3 = Erect (Dense) 4 = Other (Specify) MID-LAX
 4 Shape: 1 = Tapering 2 = Strap 3 = Clavate 4 = Other (Specify) Parallel
 2 Waxiness 1 = Absent (Glossy) 2 = Slightly Waxy 3 = Waxy
 3 Lateral Kernels Overlap: 1 = None 2 = At Tip 3 = 1/4 - 1/2 of Head
 3 Rachis (Hair on Edge): 1 = Lacking 2 = Few 3 = Covered

7. GLUME:

2 Length: 1 = 1/3 of Lemma 2 = 1/2 of Lemma 3 = More than 1/2 of Lemma
 2 Hairs: 1 = None 2 = Short 3 = Long
 4 Hair Covering: 1 = None 2 = Restricted to Middle 3 = Confined to Band 4 = Completely Covered
 3 Awns: 1 = Less than Equal to Length of Glumes 2 = Equal to Length of Glumes 3 = More than Equal to Length of Glumes
 3 Awn Surface: 1 = Smooth 2 = Semi-Smooth 3 = Rough

8. LEMMA:

5 Awn: 1 = Awnless
 2 = Awnlets on Central Rows, Awnless on Lateral Rows
 3 = Short on Central Rows, Awnlets on Lateral Rows
 4 = Short (Less than Equal to Length of Spike)
 5 = Long (Longer than Spike)
 6 = Hooded
 3 Awn Surface: 1 = Awnless 2 = Smooth 3 = Semi-Smooth 4 = Rough
 4 Teeth: 1 = Absent 2 = Few 3 = Numerous 4 = Frequent
 3 Hair: 1 = Absent 2 = Present 3 = Sharkskin
 1 Shape of Base: 1 = Depression 2 = Slight Crease 3 = Transverse Crease
 1 Rachilla Hairs: 1 = Short 2 = Long

9. STIGMA:

2 Hairs: 1 = Few 2 = Many

10. SEED:

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2	Type:	1 = Naked	2 = Covered
2	Hairs on Ventral Furrow:	1 = Absent	2 = Present
4	Length:	1 = Short (8.0 mm) 2 = Short to Mid-Long (7.5 – 9.0 mm) 3 = Mid-Long (8.5 – 9.5 mm) 4 = Mid-Long to Long (9.0 – 10.5 mm) 5 = Long (10.0 mm)	
2	Wrinkling of Hull:	1 = Naked	2 = Slightly Wrinkled 3 = Semi-Wrinkled 4 = Wrinkled
1	Aleurone Color:	1 = Colorless (White or Yellow)	2 = Blue
0 0	Percent Abortive	35	GMS. per 1000 Seeds

11. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Intermediate, 4 = Tolerant)

1	Septoria	3	Net Blotch	3	Spot Blotch	3	Powdery Mildew
3	Loose Smut	1	Bacterial Blight	2	Covered Smut	2	False Loose Smut
3	Stem Rust	0	Leaf Rust	3	Scab	3	Scald
0	Aster Yellow Virus	0	BSMV	0	BYDV	0	Other (Specify) _____

12. INSECT: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Intermediate, 4 = Tolerant)

0	Green Bug	0	English Grain Aphid	0	Chinch Bug	0	Armyworm
0	Grasshoppers	0	Cereal Leaf Beetle	0	Other (Specify) _____		
Hessian Fly Races {		0	GP	0	A	0	B
		0	D	0	E	0	F
		0	Other (Specify) _____				

13. CHEMICAL: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Intermediate, 4 = Tolerant)

	DDT		Other (Specify) _____
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14. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant Tillering	LEGACY	Seed Size	LEGACY
Leaf Size	LEGACY	Coleoptile Elongation	LEGACY
Leaf Color	LEGACY	Seedling Pigmentation	LEGACY
Leaf Carriage	LEGACY		

REFERENCES:

The following publications may be used as a reference aid for the standardization of character descriptions and terms used in this form:

1. Wiebe, G.A., and D.A. Reid, 1961, Classifications of Barley Varieties Grown in the United States and Canada in 1958, Technical Bulletin No. 1224, U.S. Department of Agriculture.
2. Reid, D.A., and G.A. Wiebe, 1968, Barley: Origin, Botany, Culture, Winter Hardiness, Genetics, Utilization, Pests, Agriculture Handbook No. 338, U.S. Department of Agriculture, pp. 61-84.
3. Malting Barley Improvement Association, Milwaukee, Wisconsin, 1971, Barley Variety Dictionary.

COLOR: Nickerson's or any recognized color fan may be used to determine color of the described variety.

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EXHIBIT D

#200800311

BOTANICAL DESCRIPTION OF CELEBRATION (6B01-2218)

6B01-2218 is a six-rowed, mid-season spring barley bred and developed by Busch Agricultural Resources, Incorporated, Ft. Collins, Colorado. It has excellent malting quality.

Juvenile growth habit is erect. Plant color at boot is green with an upright flag leaf. Head shape is parallel and mid-lax in density with a slightly nodding head type. Neck is straight with a cupped collar that forms a V-shape in the front. First rachis segment is slightly bent back and is long and narrow. Base of the first segment is a margin flange with no hairs on the margin. Rachis shape is plain with short hairs covering the margin edge. Glume length is one half the length of the kernel and glume hair is short and sparsely covering the outer surface of the glume. The glume awns are rough and more than the length of the glume. Lemma awns are semi-smooth, longer than the spike and persistent. Lemma teeth are frequent and sharkskin appears in the interveinal areas. Lemma hair is absent and the base is a depression showing a tendency to crease. Seed is covered, mid-long to long, finely wrinkled with a slight wax present. The aleurone is colorless. Palea tips are mid-sized. Rachilla length is one-fourth the length of the kernel with short hairs that get shorter at the tip. Ventral crease is open with crease hairs.

6B01-2218 is a Midwestern six-rowed variety well adapted to Minnesota, North Dakota, Idaho and Montana.

EXHIBIT D

#200800311

AGRONOMIC CHARACTERISTICS:

Yield Trials (2003-2006) §

Variety	Grain Yield (Bu/ac)	Days to Heading (Julian)	Relative Maturity (1-9) †	Plant Height (cm)	Lodging (1-9)††	Foliar Disease (1-9)‡	FHB (1-9)‡	DON ppm
No. Paired Obs.	121	88	37	85	48	22	24	32
CELEBRATION	95.2	176.9	4.4	86.9	2.9	3.7	4.3	4.02
LEGACY	91.6 **	177.6 **	5.4 **	90.8 **	2.8 ns	3.8 ns	3.8 ns	4.99 ns
ROBUST	85.9 **	176.7 ns	5.1**	94.4 **	3.3 *	4.49**	4.4 ns	5.74 **

§ All fully paired data available in BARI Barley Research database system (10/10/06).

*, **, significantly different from the experimental line at 0.05, < 0.01 levels of probability in paired t-test.

† Lodging of 1 = no lodging and 9 = severe lodging.

‡ Diseases of 1 = resistant and 9 = susceptible.

MALTING QUALITY CHARACTERISTICS:

Quality Tests (2003-2005) §

Variety	Barley Protein (%)	Malt Protein (%)	Plump Kernels (%)	Fine Extract (%)	Wort Protein (%)	S/T (%)	F-C Diff. (%)	β- Glucan ppm	Diasatic Power (°L)	Alpha- Amylase (20° DU)
No. Paired Obs.	66	52	66	57	56	56	17	52	57	57
CELEBRATION	13.1	12.8	88.2	79.8	5.9	46.8	0.9	88	193.9	74.4
LEGACY	12.6 **	12.6 ns	83.8 **	79.5 *	6.0 ns	48.7 *	1.0 ns	195 **	187.1 *	78.3 **
ROBUST	13.1 ns	13.2 *	86.9 *	79.0 **	5.5 **	42.6 **	1.5 **	205 **	180.6 **	49.8 **

§ All fully paired data available in BARI Barley Research database system (10/10/06).

*, **, significantly different from the experimental line at 0.05, < 0.01 levels of probability in paired t-test

Agronomic and quality abbreviation defined.

#200800311

Yield = The yield as a percent of B1202

Ht CM = The height of the plant in centimeters

Ldg 1-9 = The percent of lodging, 1= 0%- 10% and 9= 90% - 100% lodging

Mat = Is a rating of maturity. 1= very early and 9 = very late

Test Wt. = Test Weight which measures bushel weight

Scald = The percent of the plant infected with scald.

Net Blotch = the percent of the plant infected with net blotch

% Plump = The percent of plump kernels

Malt Protein = The protein measurement of the malt

F. Grind = The measurement of extract from barley ground to a fine particle size.

C. Grind = The measurement of extract from barley ground to a course particle size.

F-C Diff = The difference between fine and the course grind.

Wort Visc. = The viscosity of the wort.

S/T = The soluble protein divided by the total protein.

Sol Protein = Soluble protein.

DP = Diastatic Power (enzyme measurement).

AA = Alpha Amylase (enzyme measurement).

Color = Measures clarity

Turb = Turbidity or folowability.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Busch Agricultural Resources, LLC	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER 6B01-2218	3. VARIETY NAME Celebration
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 3515 Richards Lake Road Ft. Collins, Colorado 80524 USA	5. TELEPHONE (Include area code) (970) 221-5622	6. FAX (Include area code) (970) 472-2334
7. PVPO NUMBER #200800311		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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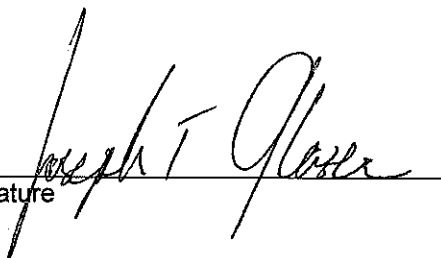
U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT F
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S) Busch Agricultural Resources, LLC	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 3515 Richards Lake Road Ft. Collins, Colorado 80524 USA	TEMPORARY OR EXPERIMENTAL DESIGNATION 6B01-2218 VARIETY NAME Celebration
NAME OF OWNER REPRESENTATIVE (S) Dr. Blake Cooper	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 3515 Richards Lake Road Ft. Collins, Colorado 80524 USA	FOR OFFICIAL USE ONLY PVPO NUMBER #200800311

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature



Date

7/8/08